

Applicant: Ira Tabas
Serial No: 10/767,749
Filed: January 28, 2004
Page: 6

REMARKS

Claims 1, 2, 13, 14 and 27 are pending in the subject application. Applicant has added new claims 50-64. Support for these amendments may be found *inter alia* in the specification as follows: claims 50, 53, 56, 59 and 62: page 26, line 29 - page 27, line 5; claims 51, 52, 54, 55, 57, 58, 60, 61, 63 and 64: page 34, lines 7-13. Applicant maintains that none of the amendments to the claims raises any issue of new matter. Accordingly, entry of this amendment is respectfully requested such that claims 1, 2, 13, 14, 27 and 50-64 will be pending.

In the August 9, 2006 Office Action, the Examiner stated that claims 1, 2, 13, 14 and 27 are generic to the following disclosed species and required election under 35 U.S.C. §121 of one of the following species of amphiphilic compounds:

- a. steroids;
- b. hydrophobic amines;
- c. phenothiazines;
- d. ionophores;
- e. cytochalasins;
- f. lysophosphatides;
- g. colchicines;
- h. nigericin;

Applicant: Ira Tabas
Serial No: 10/767,749
Filed: January 28, 2004
Page: 7

- i. chloroquine;
- j. chlorpromazine;
- k. trifluoperazine;
- l. monesin;
- m. imipramine; and
- n. U18666A.

The Examiner asserted that the species are independent and distinct because each of the compounds listed as (a)-(n) has different structural and functional characteristics. The Examiner stated that the species are allegedly independent or distinct because each requires separate, non-coextensive searches. The Examiner stated that for example, a technical literature search for administration of steroids to inhibit intracellular transport of cholesterol may not result in relevant art with respect to administration of U18666A to inhibit intracellular transport of cholesterol.

The Examiner stated that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

In response, applicant respectfully traverses. Nevertheless, applicant hereby elects U18666A as the species for examination of claims 1, 2, 13, 14, 27 and 50-64, which read thereon, in the

Applicant: Ira Tabas
Serial No: 10/767,749
Filed: January 28, 2004
Page: 8

event no generic claim is finally deemed allowable.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$225.00 fee for a two-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

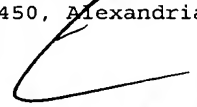
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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